



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: December 9, 2010

Agenda Item No. 2: Approval of Adjusted Financial Assurance Cost Estimate for Atkinson Brick Pit I (CA Mine ID #91-19-0004), Atkinson Brick Company (Operator), Mr. Tobin Campbell (Agent), City of Compton.

INTRODUCTION: The State Mining and Geology Board (SMGB) is the lead agency for the City of Compton, pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code (PRC) Section 2710, et seq.). SMARA requires that each surface mining operation maintain a financial assurance in an amount adequate to reclaim, in accordance with the requirements of an approved reclamation plan, the land disturbed by the mining operation at the conclusion of mining activities. SMARA lead agencies are required to annually review the financial assurance amounts for each surface mining operation, and adjust the amount, as necessary, to account for new land disturbed, inflation, or land reclaimed. In any event, the lead agency must ensure that the approved amount is adequate to reclaim the mine site according to the reclamation plan requirements (PRC Sections 2770 and 2773.1, and California Code of Regulations (CCR) Section 3804).

STATUTORY AND REGULATORY AUTHORITY: Financial assurance cost estimate adjustment requirements are discussed under SMARA, and within the SMGB's regulations and guidelines. Lead agencies are required to assure that financial assurances for reclamation are sufficient pursuant to Division 2, Chapter 9, Article 5 of PRC Section 2770(d) which states:

"The lead agency's review of reclamation plans submitted pursuant to subdivision (b) or of financial assurances pursuant to subdivision (c) is limited to whether the plan or the financial assurances substantially meet the applicable requirements of Sections 2772, 2773, and 2773.1, and the lead agency surface mining ordinance adopted pursuant to subdivision (a) of Section 2774, but, in any event, the lead agency shall require that financial assurances for reclamation be sufficient to perform reclamation of lands remaining disturbed. Reclamation plans or financial assurances determined to substantially meet these requirements shall be approved by the lead agency for purposes of this chapter. Reclamation plans or financial assurances determined not to substantially meet these requirements shall be returned to the operator within 60 days. Reclamation plans or financial assurances determined not to substantially meet these requirements shall be returned to the operator within 60 days. The



Executive Officer's Report

operator has 60 days to revise the plan or financial assurances to address identified deficiencies, at which time the revised plan or financial assurances shall be returned to the lead agency for review and approval.”

In addition, PRC Section 2773.1(a) states:

“...Lead agencies shall require financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved reclamation plan, as follows:

(3) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.”

Furthermore, the SMGB's regulations pursuant to Article 11 of the CCR Section 3804, Calculation of Financial Assurance Amount, states:

“(a) The Financial Assurance Amount shall be calculated as prescribed in Public Resources Code Section 2773.1 and based on:

- (1) an analysis of the physical activities and materials necessary to implement the approved reclamation plan;*
- (2) the lead agency's unit costs, or costs for third party contracting, for each of these activities, if applicable;*
- (3) the number of units of each of these activities, if applicable;*
- (4) a contingency amount not to exceed 10% of the reclamation costs.*

(b) The calculated amount should not include the cost of completing mining of the site.

(c) In order for the lead agency or the Department of Conservation to determine what annual adjustments, if any, are appropriate to the Financial Assurance Amount, the operator shall annually submit to the lead agency a revision of the written calculation required under Section 3804(a).”

BACKGROUND: The Atkinson Brick Los Angeles Plant site is located at 13633 South Central Avenue in the City of Compton, in Los Angeles County, California. Mining-related activities have occurred at the site since 1939. The property is surrounded by industrial and residential developments on all sides, and incorporates about 50 acres. The mine site is underlain by unconsolidated, laterally discontinuous sand and clay deposits. Office



buildings, maintenance shops, former brick production plant buildings, boneyard areas, brick product storage areas, and above ground storage tanks are located in the eastern portion of the site. Active material extraction and processing, imported asphalt and concrete material recycling, and reclamation (via backfilling of portions of the site with imported soil) activities are conducted in the central and western portions of the site.

During the past several years site activities have included material extraction on site and material import for recycling and for use as engineered fill. On site extraction activities consist of excavation of uncompacted fill from the north-central portion of the site, sorting and processing of this material, and subsequent stockpiling and placement of suitable soil material in the western portion of the site for re-compaction. Recycled concrete processing of both imported construction debris and material excavated on site occurs in the southwestern portion of the property. Backfilling and compaction of imported fill material and fill material processed from onsite excavation is currently ongoing in the central and western portions of the site.

No violations or corrective measures were noted during the last annual inspection performed at the Atkinson Pit by SMGB staff on November 18, 2010. During 2009 and 2010 significant progress has been made in backfilling the western portion of the site, with the current backfill surface approaching original ground level. Currently approximately 50 acres of the Atkinson Brick Pit I site are deemed disturbed and the existing financial assurance on file for the site is in the amount of \$107,872.00. The site remains subject to a financial assurance, and SMGB staff consider the updated financial assurance cost estimate in the amount of \$113,259.96 to be adequate to conduct and complete reclamation of the mined lands in accordance with the approved reclamation plan. The adjusted financial assurance cost estimate is summarized as follows:

FINANCIAL ASSURANCE COST ESTIMATE ADJUSTMENT SUMMARY:

I.	Primary Reclamation Activities	\$ 6,557.36
II.	Revegetation	\$ 59,938.56
III.	Plant Structures and Equipment Removal	\$ 0.00
IV.	Miscellaneous Costs	\$ 4,795.20
V.	Monitoring	\$ 4,120.00
	Total Direct Costs	\$ 75,411.12
VI.	Supervision/Overhead/Contingencies	
a.	Supervision (5.9%)	\$ 4,449.26
b.	Profit/Overhead (12.2%)	\$ 9,200.16
c.	Contingencies (10%)	\$ 7,541.11
d.	Mobilization (2.5%)	\$ 1,885.28
	Total Indirect Costs	\$ 23,075.80
	Total Direct plus Indirect Costs	\$ 98,486.92
	Lead Agency administrative cost (15%)	\$ 14,773.04
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	Total Estimated Cost for Reclamation	\$ 113,259.96
	Total Estimated Cost for Reclamation (Rounded to nearest dollar)	\$ 113,260.00

CONSIDERATION BEFORE THE SMGB: The SMGB may take the following actions:

1. Approve as adequate the adjusted financial assurance cost estimate, without additions;

[or]

2. Modify the adjusted financial assurance cost estimate, and then accept it as adequate;

[or]

3. Reject the adjusted financial assurance cost estimate as inadequate and order it to be redone.

EXECUTIVE OFFICER'S RECOMMENDATION: The adjusted financial assurance cost estimate for the Atkinson Brick Pit I has been reviewed for its consistency and completeness in meeting the minimum requirements of SMARA, and the SMGB's regulations and guidelines. SMGB staff has reviewed the adjusted financial assurance cost estimate, and considers it adequate to reclaim the site in accordance with the approved reclamation plan. The Executive Officer recommends that the SMGB approve the adjusted financial assurance cost estimate.

SUGGESTED MOTION LANGUAGE:

To approve the Adjusted Financial Assurance Cost Estimate:

Mr. Chairman, in light of the information before the State Mining and Geology Board today, I move that the Board approve the adjusted financial assurance cost estimate of \$113,260.00 for the Atkinson Brick Pit I, CA Mine ID #91-19-0004, located in the City of Compton, as adequate to reclaim the site in accordance with the approved reclamation plan, and as adequate in meeting the minimum requirements of SMARA and SMGB's regulations.

Respectfully submitted:

Stephen M. Testa
Executive Officer

EXHIBITS

Exhibit A Adjusted Financial Assurance Cost Estimate

Exhibit B 2010 SMARA Annual Inspection Report

